

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

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U.S. DISTRICT COURT  
SAN JUAN, P.R.

MIGDALIA AMALBERT GARCIA,  
GLADYS AMALBERT GARCIA,  
NORMA AMALBERT GARCIA in  
substitution of  
EDNA GARCIA COLON and  
JOSE AMALBERT FIGUEROA

Plaintiffs,

v.

CIVIL NO. 98-1478 (RLA)

KMART CORPORATION & INSURANCE  
CORPORATION ABC,

Defendants.

**MINUTES AND ORDER OF SETTLEMENT CONFERENCE**  
**HELD ON FEBRUARY 22, 2000**

The parties appeared before the undersigned in chambers for a Settlement Conference on February 22, 2000 from 3:00 p.m. to 4:00 p.m. Attorneys JOSE A. LEON LANDRAU and NOEMI LANDRAU RIVERA appeared on behalf of plaintiffs. EDUARDO VERA, ESQ., and ISABEL GARCES CASTRO, ESQ., represented defendant, KMART CORPORATION.

**Motion Requesting Extension of Discovery Period**

The Court queried counsel for KMART regarding its extremely belated motion, filed scarcely an hour before this conference, whereby it requests an extension of the discovery period and postponement of the pretrial and trial settings. KMART alleges that it has not received MRS. EDNA GARCIA'S medical records from CENTRO

59 no

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1 MEDICO and its medical expert has not had enough time to review the  
2 very extensive medical records of decedent plaintiff in MAIMONIDES  
3 MEDICAL CENTER in New York. The lack of a complete picture of MRS.  
4 GARCIA's medical history as well as prior health conditions, KMART  
5 counsel alleges, will place his client in a prejudiced position if it  
6 is forced to go to trial as scheduled on March 16, 2000. Counsel for  
7 plaintiffs, on the other hand, informed the court that they have had  
8 a very difficult time obtaining documents from defendant related to  
9 the ARPE permits and design specifications of the KMART stores,  
10 despite the Court's orders to that effect, but, nevertheless, do not  
11 favor postponement of trial. They also argued that the CENTRO MEDICO  
12 records were provided to defendant as part of plaintiffs' answers to  
13 interrogatories in October 1999 and that the MAIMONIDES MEDICAL  
14 CENTER records were furnished to opposing counsel as far back as  
15 November 23, 1999.

19 Having heard the arguments of the parties regarding this  
20 controversy, IT IS HEREBY ORDERED that defendant's Motion Requesting  
21 Extension of Discovery Period... (docket No. 58, filed on February  
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22, 2000) is hereby DENIED.<sup>1</sup> TRIAL shall remain scheduled for **March 16, 2000, at 9:30 a.m.**

**Settlement Discussions**

The Court engaged counsel for the parties in settlement discussions, to no avail, since the parties were quite apart in their relative assessment of the value of the case. Nonetheless, the Court proposed a settlement figure to each side which counsel agreed to present to their respective clients for discussion.

Accordingly a FURTHER SETTLEMENT CONFERENCE is hereby scheduled for **March 1, 2000, at 4:00 p.m.**

IT IS SO ORDERED.

San Juan, Puerto Rico, this 24 day of February, 2000.



RAYMOND L. ACOSTA

United States District Judge

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<sup>1</sup> See also Motion in Opposition to Defendant's Request for Extension..., filed by plaintiffs on February 22, 2000.